

COUNTY OF YORK

MEMORANDUM

DATE: March 3, 2004 (BOS Mtg. 3/16/04)
TO: York County Board of Supervisors
FROM: James O. McReynolds, County Administrator
SUBJECT: Application No. UP-631-04, Loretta H. Quesenberry

ISSUE

Application No. UP-631-04 requests a Special Use Permit, pursuant to Section 24.1-283(b) of the York County Zoning Ordinance, to authorize a beauty shop (nail salon) as a home occupation within a single-family detached dwelling located at 371 East Rochambeau Drive (Route F-137) and further identified as Assessor's Parcel No. 5A-3-20.

DESCRIPTION

- Property Owner: Loretta H. Quesenberry
- Location: 371 East Rochambeau Drive
- Area: 1.0 acre
- Frontage: Approximately 150 feet on East Rochambeau Drive (Route F-137)
- Utilities: Private well and septic.
- Topography: Flat
- 2015 Land Use Map Designation: Low-Density Residential
- Zoning Classification: RR - Rural Residential
WMP - Watershed Management and Protection Area
- Existing Development: Single-family detached home
- Surrounding Development:
 - North: I-64 right-of-way (across East Rochambeau Drive)
 - East: Single-family detached home
 - South: Single-family detached homes
 - West: Mobile home park, single-family detached homes

- Proposed Development: Nail salon as a home occupation

CONSIDERATIONS/CONCLUSIONS

1. The applicant lives in the Schenck Estates subdivision and wishes to operate a nail salon in her single-family detached home. Section 24.1-283 of the Zoning Ordinance requires a Special Use Permit for any home occupations with on-premises retail sales, personal services, or customer/client contact, specifically including barber and beauty shops.
2. Section 24.1-281 of the Zoning Ordinance specifies a series of performance standards that apply to home occupations in general, and Section 24.1-283(b) sets forth additional standards that apply specifically to those home occupations for which a use permit is required. The general purpose of these standards is to limit the size, scale, and visibility of home occupations in order to ensure that they remain incidental and subordinate to the residential use of the property and to prevent adverse impacts on surrounding homes. Home occupation uses are not permitted to occupy more than 25% of the floor area of the residence or 400 square feet, whichever is less. The applicant's home has approximately 1,120 square feet of floor area (not including the garage), and the nail salon will be limited to a 132-square foot room within the dwelling, or approximately 12% of the area of the home. The Zoning Ordinance also limits the hours of operation to the period between 8:00 AM and 8:00 PM, Monday through Saturday, unless otherwise specified by the Board through a use permit condition. The applicant's proposed hours of operation are weekdays from 5:30 PM to 8:00 PM and Saturdays from 10:00 AM to 3:00 PM.
3. The applicant will be the sole operator of the business, and only one customer is proposed be seen at any one time by the applicant. A condition has been included in the approving resolution specifying that only one customer may be served at one time. The applicant has stated that there would be a maximum of two clients on weekdays and four on Saturdays. This would generate a maximum of eight vehicle trips a day (four entering, four exiting) on Saturdays and four vehicle trips per day on weekdays. These numbers are not significantly higher than the typical ten (10) daily vehicle trips generated by a single-family detached home.
4. The subject property can accommodate both the residential parking requirement (two spaces) and the off-street parking demand generated by the proposed beauty shop (two spaces). The home has a driveway of over 150 feet in length, and a separate parking area that would accommodate at least 2 cars at the end of the driveway.
5. In the past eleven years, the Board has approved eleven applications for home barber and beauty shops. For comparison purposes, relevant data for these eleven home occupations are listed in the table below. As the table indicates, the proposed home occupation would have fewer hours of operation as compared to

these approved home occupations; and the size would be well within the guidelines established by the Zoning Ordinance.

Approval Date	Location	Maximum Area	Days and Hours of Operation
2/21/91	Lotz Acres Estates	125 square ft.	Monday-Saturday, 8 AM-8 PM
10/17/91	Hudgins Farm Drive	240 square ft.	Monday-Saturday, 8 AM-8 PM
4/16/92	Hornsbyville Road	240 square ft.	Monday-Saturday, 8 AM-8 PM
10/15/92	Running Man	150 square ft.	Monday-Saturday, 8 AM-8 PM
5/20/93	Edgehill	260 square ft.	Monday-Friday, 9 AM-5 PM
8/16/95	Carraway Terrace	200 square ft.	Tuesday-Thursday, 9 AM-6 PM
11/21/00	Woods of Tabb	150 square ft.	3 days/week 9 AM-5 PM
2/19/02	Edgehill	250 square ft.	Tues.& Thurs., 10 AM-7 PM; Wed.& Fri., 10 AM-4 PM; and Saturday 10 AM-2 PM
2/19/02	Carver Gardens	200 square ft.	Monday-Saturday, 8 AM-8 PM
7/16/02	Skimino Hills	200 square ft.	Monday-Saturday, 9 AM-5 PM
1/20/04	Meadowlake Farms	335 square ft.	Tuesday-Saturday, 9 AM-5 PM

According to staff in the County's Development and Compliance Division, there have been no complaints or compliance problems associated with any of these home beauty/barber shops.

6. Section 24.1-281(e) of the Zoning Ordinance states that home occupations "shall not generate traffic, parking, sewerage or water use in excess of that which is normal in the residential neighborhood." By their nature home beauty shops typically involve more water use than an ordinary home. This property is served by a private well, and any impact of additional water usage would be limited to the applicant's property.
7. Schenck Estates was recorded over 30 years ago and does not have an organized homeowners association. To the best of my knowledge, there are no private covenants or restrictions that would impact the applicant's ability to conduct a home-based business. Nevertheless, the County cannot be a party to the enforcement of private covenants and restrictions and the approval of a Special Use Permit will not relieve the applicant of any responsibilities for compliance should such covenants or restrictions exist.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission considered this application at its regular meeting on February 11, 2004 and, subsequent to conducting a public hearing at which no one spoke other than the applicant, voted 5:0 to recommend approval.

RECOMMENDATION

The proposed home occupation is a small-scale operation and is not likely to have any adverse impacts on the surrounding area. I am confident that the proposed conditions prohibiting non-resident employees and limiting the hours of operation are sufficient to ensure that it remains a small-scale operation, consistent with the intent of the home occupation provisions of the Zoning Ordinance. Therefore, based on the considerations and conclusions as noted, I recommend that the Board approve this application. This may be accomplished through the adoption of proposed Resolution No. R04-30.

Carter/3337:AMP

Attachments

- Excerpts from Planning Commission minutes, February 11, 2004
- Zoning Map
- Vicinity Map
- Applicant's Letter of Intent
- Survey Plat
- Proposed Resolution No. R04-30